

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : 3:18-cr-00281
:
v. : (Judge Brann)
:
JEFFREY G. BOYD : (Electronically Filed)

MOTION FOR REVOCATION OF ORDER OF DETENTION

AND NOW comes defendant, Jeffrey G. Boyd, by his attorney, Elliot A. Smith, Assistant Federal Public Defender, filing this Motion for Revocation of Order of Detention based on the following:

1. On August 21, 2018, a grand jury indicted Mr. Boyd on one count for allegedly violating a provision of Title 18 of the United States Code.

2. On August 27, 2018, the United States Magistrate Judge issued an Order of Detention Pending Trial.

3. Section 3145(b) of Title 18 of the United States Code provides—

If a person is ordered detained by a magistrate judge . . . , the person may file, with the court having original jurisdiction over the offense, a motion for revocation or

amendment of the order. The motion shall be determined promptly.

4. A Court considering whether to revoke an order of detention should decide the question *de novo* and may conduct such additional hearings as it deems appropriate. *See United States v. Delker*, 757 F.2d 1390, 1393-95 (1985).

5. This Court should revoke the Order of Detention affecting Mr. Boyd because (a) the government failed to meet its burden of adducing facts sufficient to support, by clear and convincing evidence, the Magistrate's finding that no condition or combination of conditions of release will reasonably assure the safety of any other person and the community, 18 U.S.C. § 3142(f), and (ii) the detention hearing was procedurally defective.

WHEREFORE, it is respectfully requested that this Court schedule such additional hearings as it deems appropriate and thereafter revoke the Magistrate's Order of Detention Pending Trial.

Respectfully submitted,

Date: Sept. 21, 2018

s/ Elliot A. Smith
Elliot A. Smith
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CERTIFICATE OF SERVICE

I, Elliot A. Smith, Assistant Federal Public Defender, do hereby certify that this document, the foregoing Motion for Revocation of Order of Detention, filed electronically through the ECF system, will be sent to the registered Participants as identified on the Notice of Electronic Filing, including the following:

Michelle L. Olshefski
Assistant United States Attorney

and sent to the defendant by placing the same in the United States mail, first class, postage prepaid, at Scranton, Pennsylvania, addressed to the following:

Jeffrey G. Boyd

Date: September 21, 2018

s/ Elliot A. Smith
Elliot A. Smith
Assistant Federal Public Defender